

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GENE ACHZIGER, individually and as the
representative of all persons similarly situated,

Plaintiff,

vs.

IDS PROPERTY CASUALTY INSURANCE
COMPANY,

Defendant.

NO. 3:14-CV-05445-BHS

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

Defendant IDS Property Casualty Insurance Co (“IDS”) and Plaintiff Gene Achziger, through counsel submit the following Joint Status Report and Discovery Plan in this matter in accord with Rule 26(f).

1. Statement of the nature and complexity of the case: Plaintiff alleges that Defendant failed to pay for diminished value under its Underinsured Motorist-Property Damage Coverage (UIM-PD) in Plaintiff’s auto damage claim and that his claim was improperly handled in violation of Washington law, statute, and administrative regulations. Defendant denies these allegations and believes the claim was handled in compliance with Washington law, statute and administrative regulations.

JOINT STATUS REPORT AND DISCOVERY PLAN -1
Case No. 3:14-CV-05445-BHS

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1 **2. Proposed Deadline for Joining Additional Parties:** All parties have been
2 brought into the suit.

3 **3. Magistrate Judge:** The parties do not consent to the assignment of a
4 magistrate judge.

5 **4. Proposed Discovery Plan:**

6 **(a) Initial disclosures:** The parties anticipate providing supplemental
7 disclosures, which will include expert disclosures by January 31, 2017.

8 **(b) Subjects, timing and potential phasing of discovery:** The parties
9 believe that the following schedule should be entered:

10 (i) Fact discovery to be completed by January 31, 2017.

11 (ii) Expert discovery to be completed by March 17, 2017.

12 **(c) Electronically stored information:** The parties do not presently
13 anticipate any issues with electronically stored information.

14 **(d) Privilege issues:** The parties believe that privileged information
15 withheld should be accompanied by a privilege log in compliance with Rule 26(b)(5)
16 sufficiently specific to permit the opposing party to evaluate the claims of privilege.

17 **(e) Proposed limitations on discovery:** The parties believe that the
18 limitations on discovery imposed by Federal and Local Rules need not be changed at this
19 time.

20 **(f) The need for any discovery related orders:** The parties are unaware
21 of any issues requiring further orders at this time. If necessary, the parties will work together
22 to develop a stipulated protective order.

23 **5. The parties' views, proposals, and agreements, on all items set forth in**
24 **Local Civil Rule 26(f)(1), which includes the following topics:**
25

1 **(a) Prompt case resolution:** The parties have been unable to resolve this
2 matter by way of settlement.

3 **(b) Alternative dispute resolution:** The parties have been unable to
4 resolve this matter by way of settlement.

5 **(c) Related cases:** No related cases.

6 **(d) Discovery management:** At this point no specific discovery
7 management issues have been identified.

8 **(e) Anticipated discovery sought:** The parties anticipate written
9 discovery and depositions concerning Mr. Achziger's claim and the purported diminished
10 value of his vehicle.

11 **(f) Phasing motions:** At this time, the parties do not anticipate further
12 motion practice, other than motions in limine.

13 **(g) Preservation of discoverable information:** The Parties have taken
14 appropriate steps to preserve existing ESI, and documents presently available and relevant to
15 this matter.

16 **(h) Privilege issues:** Particular privilege issues have not been identified,
17 but a privilege log will be utilized as described in 4(d) above.

18 **(i) Model Protocol for Discovery of ESI:** See 4(c).

19 **(j) Alternatives to Model Protocol:** See 4(c).

20 **6. The date by which discovery can be completed:** See 4(b).

21 **7. Bifurcation:** The parties do not see an immediate need for bifurcation.

22 **8. Pretrial statements and order:** The parties believe that the Court should not
23 dispense with pretrial statements and the pretrial order.

24 **9. Individualized Trial Program or Other ADR:** The parties do not intend to
25

1 use the Individualized Trial Program or engage in private mediation prior to trial.

2 **10. Other suggestions:** None.

3 **11. Trial date:** May of 2017.

4 **12. Type of trial:** This is a jury trial.

5 **13. Number of trial days:** Approximately 5 court days.

6 **14. Trial Counsel:**

7 Counsel for Defendants:

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9 Jordan Altura (admitted pro hac vice)

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7 15. Dates on which counsel may have conflicts: June, September and October
8 2017.

9 16. **Explanation of Service:** The Defendant has already been served.

10 17. **Scheduling conference prior to scheduling order issued:** The parties do not
11 request a scheduling conference prior to having a scheduling order issued by the Court.

12 18. **Date on which corporate FRCP 7.1 statements were filed:** Defendants'
13 corporate disclosure statements were filed on June 3, 2014.

14 DATED this 28th day of October, 2016.

15 Counsel for Defendant:

Counsel for Plaintiff:

16 GORDON & REES LLP

The Law Offices of STEPHEN M.
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17 By: /s/ Shannon L. Wodnik

18 By: /s/ Stephen M. Hansen

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CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:—

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DATED this 28th day of October, 2016.

By: /s/ Carolyn Kaiser
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JOINT STATUS REPORT AND DISCOVERY PLAN -6
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